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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,028	11/01/2000	Gary G. Lenihan	060545/0456	2436

7590

12/23/2004

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EXAMINER

MILLER, BENA B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,028	LENIHAN, GARY G.	
	Examiner	Art Unit	
	Bena Miller	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9-14, 16, 17 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 12-14, 16, 17 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6 and 25-27 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Klein.

Regarding claim 1, Klein teaches in figure 6, a main unit (see attached marked copy 1 of figure 6), the main unit having a front wall, opposite side walls and countertop extending lengthwise (see marked copy figure 6), a repositionable island (mark copy figure 6), the repositionable island being removably attachable to the front wall of the main unit (the edge of the front wall is attached to the repositionable island in figure 6), and the repositionable island is extending away form the front wall of the main unit thereby to form at least two separate play areas (fig.6).

Regarding claim 2, Klein further teaches the repositionable island is removably attachable to the main unit at at least one of the side walls (fig. 6).

Regarding claim 3, Klein further teaches the main unit and repositionable island comprising a stove top and a countertop.

Regarding claim 6, Klein further teaches the repositionable island, when removed from the front wall of the main unit, is removalby attachable to either one of the sides of the main unit in figure 6.

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Regarding claim 25, Klein further teaches the island is removably attached to the front wall (it should be noted that the repositionable island can be attached to the edge of the front wall on either side).

Regarding claim 26, Klein further teaches the island is removably attached to the main unit at the side walls (fig.6).

Regarding claim 27, Klein further teaches a second island removably attached to the side walls (fig.6).

Alternatively, regarding claim 1, Klein teaches in figure 6, a main unit (see attached marked copy 2 of figure 6), the main unit having a front wall, opposite side walls and countertop extending lengthwise (see marked copy figure 6), a repositionable island (mark copy figure 6), the repositionable island being removably attachable to the front wall of the main unit (the edge of the front wall is attached to the repositionable island in figure 6), and the repositionable island is extending away form the front wall of the main unit thereby to form at least two separate play areas (fig.6).

Allowable Subject Matter

Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9, 12-14, 16, 17 and 28 are allowed.

Response to Arguments

Applicant's arguments filed 07/26/04 have been fully considered but they are not persuasive. In response to applicant's argument that Klien does not have a front wall to

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which an island can be removably attached to form at least two separate plays areas, the examiner disagrees. It should be noted that claim 1 does not specifically define a front surface in reference to the main unit; therefore, the examiner has distinguish the front and side walls of toy kitchen of Klein. Applicant's attention is also directed to the above rejection.

Regarding applicant's argument that Klein does not disclose at least one removably attachable to a first unit in a first position located between the opposite ends of the first unit with the longitudinal plane thereof perpendicular to the longitudinal plane of the first unit to form at least two separate play areas, the examiner agrees.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427.

The examiner can normally be reached on Monday-Friday.

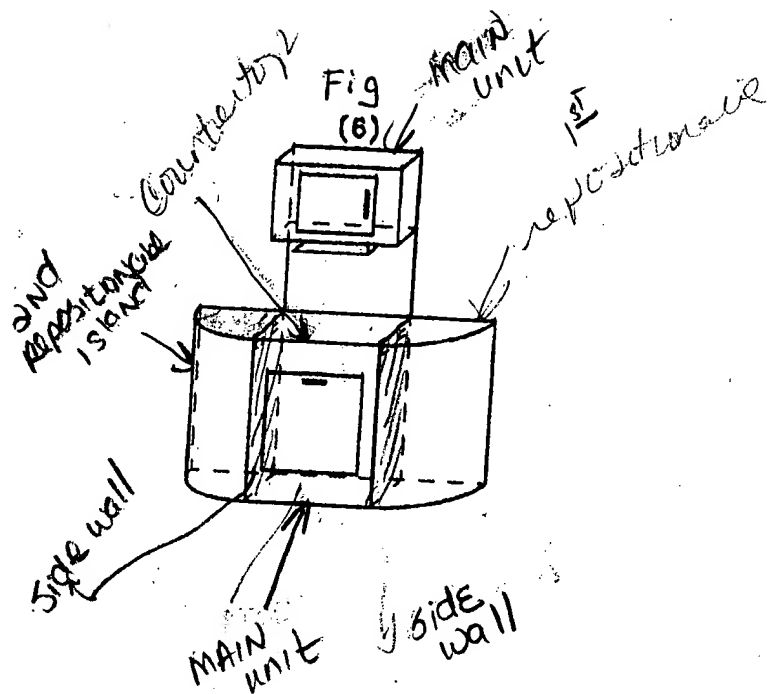
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Examiner
Art Unit 3714

bbm
December 20, 2004

Attachment 1:



Attachment 2:

